

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.,

No. C-04-5098 EMC

Plaintiff,

v.

**ORDER GRANTING DEFENDANT'S
MOTION FOR LEAVE TO FILE
MOTION TO DISMISS**

TEXTRON, INC.,

Defendant.

(Docket No. 170)

The Court has received and reviewed Defendant's Motion for Leave to File Motion to Dismiss Based on Newly-Discovered Spoilation of Evidence. Defendant's Motion for Leave to File the Motion to Dismiss is GRANTED; the Motion to Dismiss Due to Spoilation of Evidence and the supporting Kelly Declaration, submitted as Exhibit A to the Motion for Leave, shall be deemed filed as of April 26, 2006. Plaintiff shall file an opposition brief by 4 p.m., May 1, 2006. The parties shall be prepared to argue the matter at the further pretrial conference on May 3, 2006.

IT IS SO ORDERED.

Dated: April 28, 2006


EDWARD M. CHEN
United States Magistrate Judge